

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 974 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

INDUMATI RAMANLAL PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR HM BHAGAT, for the Petitioner
MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 13/02/2001

ORAL JUDGEMENT

Rule. Mr.Akshay H.Mehta, learned Senior Central Govt. Standing Counsel appears and waives service of rule on behalf of the respondent. By consent of the learned Counsel appearing for the respective parties the matter is taken up for final hearing today.

2. In this petition under Article 226 of the

Constitution, the petitioner has prayed for a writ of mandamus directing the respondent authority to rectify the error in the passport in respect of the petitioner's date of birth.

3. The petitioner was issued passport wherein her date of birth was mentioned as 05/09/1953 as per school leaving certificate. The petitioner applied to the office of Mamlatdar, Kamrej for obtaining a copy of certificate of birth. However, vide letter dated 20/01/1988 as well as letter dated 19/04/1999 the Mamlatdar has stated that the birth record of the year 1954 and the birth record of the year 1953 respectively are not available. The petitioner has therefore produced card issued by the Income tax authorities wherein she has been issued Permanent Account Number and the date of birth is shown as 09/03/1954. There are supporting affidavits of relatives who are aware of this fact. On the basis of these documents the petitioner had requested the respondent for change of date of her birth in passport from 05/09/1953 to 09/03/1954. The said request of the petitioner was turned down, and hence, the present petition.

4. In view of the peculiar position, the birth date recorded in the PAN card issued by the Income Tax Authorities, should have been accepted by the Regional Passport Officer for showing the birth date in the passport on the basis of the said document (at annexure 'B' to the petition), as the said document has been issued by another Department of Central Government.

5. In view of the above discussion, the petition is allowed. The Regional Passport Officer is directed to consider the petitioner's request for change of date of birth of the petitioner in the passport in accordance with law on the basis of the material which may be placed before it and shall pass appropriate orders within a period of one month from the date of receipt of writ of this Court or a certified copy of this judgement, whichever is earlier. In case the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

6. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service permitted.

(D.A.Mehta, J)
(Katira)

